

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN ROBERT C. CLARK**, on January 27, 1999  
at 8:00 A.M., in Room 312 - 1 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Robert C. Clark, Chairman (R)  
Rep. Dan McGee, Vice Chairman (R)  
Rep. Diana Wyatt, Vice Chairman (D)  
Rep. Chris Ahner (R)  
Rep. Shiell Anderson (R)  
Rep. Paul Clark (D)  
Rep. Aubyn A. Curtiss (R)  
Rep. Bill Eggers (D)  
Rep. Tom Facey (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Joan Hurdle (D)  
Rep. Rick Jore (R)  
Rep. Sam Kitzenberg (R)  
Rep. Brad Molnar (R)  
Rep. Mark Noennig (R)  
Rep. Jim Shockley (R)  
Rep. Loren Soft (R)  
Rep. Carol Williams (D)  
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Pam Schindler, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s): SB20, HB 366, HB 361,, 1/27  
Date Posted: 1/25/1999

Executive Action: HB 278, HB 279-Tabled HB 106-Do Pass as Amended, HB 308-Do Pass

**HEARING ON SB 20**

**Sponsor:**

Sen. Shea presented SB 20.

*{Tape : 1; Side : A; Approx. Time Counter : 0 - 57}*

**Proponents:**

Craig Thomas, Board of Pardons and Paroles

*{Tape : 1; Side : A; Approx. Time Counter : 57 - 171}*

Mary Jo Fox, Governor's Office

*{Tape : 1; Side : A; Approx. Time Counter : 171 - 251}*

**Opponents:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

*{Tape : 1; Side : A; Approx. Time Counter : 251 - 550}*

*{Tape : 1; Side : B; Approx. Time Counter : 0 - 550}*

*{Tape : 2; Side : A; Approx. Time Counter : 0 - 119}*

**Closing by Sponsor:**

Sen. Shea made closing remarks.

*{Tape : 2; Side : A; Approx. Time Counter : 119 - 150}*

**HEARING ON HB 366**

**Sponsor:**

Rep. Kaston presented HB 366.

*{Tape : 2; Side : A; Approx. Time Counter : 150 - 168}*

**Proponents:**

Ann Gilkey, Court Assessment Program/ Montana Supreme Court

*{Tape : 2; Side : A; Approx. Time Counter : 168 - 317}*

**EXHIBIT** (juh21a0

1)

**EXHIBIT** (juh21a0

2)

**EXHIBIT** (juh21a0

3)

Chuck Hunter, Montana Dept. of Public Health and Human Services

*{Tape : 2; Side : A; Approx. Time Counter : 317 - 383}*

Laurie Koutnik, Christian Coalition

*{Tape : 2; Side : A; Approx. Time Counter : 383 - 427}*

Sharon Hoff, Montana Catholic Conference

*{Tape : 2; Side : A; Approx. Time Counter : 427 - 447}*

Colleen Murphy, National Association of Social Workers

*{Tape : 2; Side : A; Approx. Time Counter : 447 - 550}*

Karen Sedlock, Court Assessment Advisory Council

*{Tape : 2; Side : B; Approx. Time Counter : 0 - 10}*

Sandy Butler, Montana Nurses Association

*{Tape : 2; Side : B; Approx. Time Counter : 10 - 23}*

Bob Anderson, Montana Sheriffs and Peace Officers Association

*{Tape : 2; Side : B; Approx. Time Counter : 23 - 28}*

Frank Fisher, Casey Family Program

*{Tape : 2; Side : B; Approx. Time Counter : 28 - 51}*

**Opponents:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

*{Tape : 2; Side : B; Approx. Time Counter : 51 - 550}*

*{Tape : 3; Side : A; Approx. Time Counter : 0 - 97}*

**Closing by Sponsor:**

Rep. Kaston made closing remarks.

**EXHIBIT** (juh21a0

4)

*{Tape : 3; Side : A; Approx. Time Counter : 97 - 107}*

**HEARING ON HB 361**

**Sponsor:**

Rep. Shockley presented HB 361.

*{Tape : 3; Side : A; Approx. Time Counter : 107 - 192}*

**Proponents:**

None

**Opponents:**

None

**Informational Testimony:**

None

**Questions from the Committee:**

None

**Closing by Sponsor:**

Rep. Shockley made closing remarks.

*{Tape : 3; Side : A; Approx. Time Counter : 192 - 252}*

**EXECUTIVE ACTION ON HB 278**

**Motion:** REP. HURDLE moved that HB 278 DO PASS.

**Motion/Vote:** REP. MOLNAR moved that HB 278 BE TABLED. Motion carried 10-8 with Eggers, Facey, Gallus, Gutsche, Hurdle, Kitzenberg, Williams, and Wyatt voting no.

(Rep. Ahner and Rep. Anderson absent during vote)

*{Tape : 3; Side : A; Approx. Time Counter : 252 - 361}*

**EXECUTIVE ACTION ON HB 279**

**Motion/Vote:** REP. HURDLE moved that HB 279 DO PASS. Motion failed 9-10 with Anderson, Clark, Clark, Curtiss, Jore, Kitzenberg, McGee, Molnar, Wyatt, and Younkin voting aye.  
(Rep. Ahner absent during the vote)

**Discussion:** there was much discussion about possible amendment as to no probation and no parole if a 2nd offense for rape. Rehabilitation was also discussed.

*{Tape : 3; Side : A; Approx. Time Counter : 361 - 550}*

*{Tape : 3; Side : B; Approx. Time Counter : 0 - 428}*

HB 292 and HB 293 debated and discussed; committee decided to postpone action until **Rep. Gallus** completes amendments.

*{Tape : 3; Side : B; Approx. Time Counter : 428 - 550}*

*{Tape : 4; Side : A; Approx. Time Counter : 0 - 19}*

EXECUTIVE ACTION ON HB 308

**Motion/Vote:** REP. YOUNKIN moved that HB 308 DO PASS. Motion carried 17-2 with Anderson and Jore voting no.  
(Rep. Ahner absent during vote)

*{Tape : 4; Side : A; Approx. Time Counter : 19 - 49}*

EXECUTIVE ACTION ON HB 106

**Motion:** REP. NOENNIG moved that HB 106 DO PASS.

**Motion:** REP. NOENNIG moved that HB 106 BE AMENDED. AMENDMENT PASSED.

**Motion:** REP. YOUNKIN moved that HB 106 DO PASS AS AMENDED.

**Motion:** REP. MOLNAR moved that HB 106 BE TABLED. TABLED MOTION FAILED.

**Motion/Vote:** REP. YOUNKIN moved that HB 106 DO PASS AS AMENDED. Motion carried 14-5 with Clark, Curtiss, Jore, McGee, and Molnar voting no.

( Rep. Ahner absent during voting)

*{Tape : 4; Side : A; Approx. Time Counter : 49 - 415}*

**ADJOURNMENT**

Adjournment: 12:00 P.M.

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REP. ROBERT C. CLARK, Chairman

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PAM SCHINDLER, Secretary

RC/PS

**EXHIBIT** (juh21aad)